

IN THE UNITED STATES DISTRICT COURT
FOR EASTERN DISTRICT OF NORTH CAROLINA

CIVIL ACTION NO. 7:11-CV-70-D

CAROLYN L. MILTON,)
)
PLAINTIFF,)
)
VS.)
)
MICHAEL J ASTRUE,)
COMMISSIONER OF SOCIAL SECURITY,)
)
DEFENDANT.)

**ORDER MOTION FOR FEES UNDER
THE EQUAL ACCESS TO JUSTICE ACT
28 U.S.C. § 2412(d)(1)(A)**

THIS MATTER IS BEFORE THE COURT on Plaintiff's "Motion For Fees Under The Equal Access To Justice Act 28 U.S.C. § 2412(d)(1)(A)" (Document No. 18) filed March 2, 2012. Having carefully considered the motion, the record, and applicable authority, and noting consent of the parties, the undersigned will grant the motion.

IT IS, THEREFORE, ORDERED that the Plaintiff's Motion for Fees Under the Equal Access to Justice Act 28 U.S.C. § 2412(d)(1)(A) filed is **GRANTED**, to the extent that the Court will award attorney fees in the amount of \$4,231.00, and that pursuant to *Comm'r of Soc. Sec. v. Ratliff*, 560 U.S. ----, 130 S. Ct. 2521 (2010), the fee award will first be subject to offset of any debt Plaintiff may owe to the United States. The Commissioner will determine within 30 days of this Order whether Plaintiff owes a debt to the United States. If so, the debt will be satisfied first, and if any funds remain, they will be made payable to Plaintiff and mailed to Plaintiff's counsel. If the United States Department of the Treasury reports to the Commissioner that the Plaintiff does not owe a federal debt, the government will exercise its discretion and honor an assignment

of EAJA fees, and pay the awarded fees directly to Plaintiff's counsel. No additional petition pursuant to 28 U.S.C. § 2412(d) shall be filed.

SO ORDERED. This 18 day of April 2012.



JAMES C. DEVER III
Chief United States District Judge